

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of B.M.H. and B.S.H., JR., Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SUE-ANN BLOWYCKY,

Respondent-Appellant.

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UNPUBLISHED

September 11, 2007

No. 276989

St. Clair Circuit Court

Family Division

LC No. 06-000127-NA

Before: Cavanagh, P.J., and Donofrio and Servitto, JJ.

PER CURIAM.

Respondent appeals as of right the order terminating her parental rights to her minor children under MCL 712A.19b(3)(c)(i), (g), (i), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

A petitioner must establish at least one statutory ground for termination of parental rights by clear and convincing evidence. *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). In the present case, petitioner offered sufficient evidence that respondent had not rectified the conditions that led to adjudication and was not likely to within a reasonable time, MCL 712A.19b(3)(c)(i), and was, therefore, not able to provide proper care and custody within a reasonable time, MCL 712A.19b(3)(g). Petitioner made reasonable efforts to rectify respondent's problems. See *In re Fried*, 266 Mich App 535, 542; 702 NW2d 192 (2005); MCL 712A.18f.

Respondent minimally complied with services for a brief time and appeared intoxicated at a parenting class because of a prescription drug overdose. Her services stopped because she violated her parole, went on the run, and was incarcerated. Even after her release, she was unable to obtain employment and stable housing, minimized a domestic violence incident, and gave conflicting testimony regarding her current living situation. The lower court found that respondent's prior terminations were for the same reasons. We also defer to the lower court's judgment regarding the credibility of the caseworker's testimony that respondent failed to even ask about her children in December 2006. See *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

We must affirm a lower court's decision if there was clear and convincing evidence of any statutory ground, regardless whether the lower court erred in finding sufficient evidence under other statutory grounds. *In re Trejo Minors*, 462 Mich 341, 355-356; 612 NW2d 407 (2000). Therefore, we need not address the other statutory grounds. *Id.*

Whenever a lower court finds a statutory ground for termination, it must terminate parental rights unless termination was clearly against the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, *supra* at 352-353. Contrary to both parties' assertion on appeal, there is no specific burden on either party; rather, the lower court should weigh all evidence available. *Id.* at 354.

Respondent argues that it was in the children's best interests to allow her more time to rectify her mental difficulties. She argues generally that it is in children's best interests to be reunited with their natural parents. However, the children's need for permanence was also relevant. See *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991). The evidence does not support respondent's claims that petitioner approved her housing and that counseling was not continued only because of the caseworker change. There was no specific evidence regarding the bond between respondent and the children. The lower court did not err when it held that termination was not clearly against the children's best interests and terminated respondent's parental rights.

Affirmed.

/s/ Mark J. Cavanagh  
/s/ Pat M. Donofrio  
/s/ Deborah A. Servitto